

1 Larry W. McFarland (Bar No. 129668)
2 E-Mail: lmcfarland@kmwlaw.com
3 Dennis Wilson (Bar No. 155407)
4 E-Mail: dwilson@kmwlaw.com
5 David K. Caplan (Bar No. 181174)
6 E-Mail: dcaplan@kmwlaw.com
7 Tara D. Rose (Bar No. 256079)
8 E-Mail: trose@kmwlaw.com
9 KEATS McFARLAND & WILSON LLP
10 9720 Wilshire Boulevard
11 Penthouse Suite
12 Beverly Hills, California 90212
13 Telephone: (310) 248-3830
14 Facsimile: (310) 860-0363

15 Attorneys for Plaintiff
16 ZYNGA INC.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 ZYNGA INC., a Delaware Corporation,
21 Plaintiff,

22 v.

23 VOSTU USA, INC., a Delaware Corporation;
24 VOSTU LLC, a Delaware Corporation; VOSTU,
25 LLC, a Delaware Corporation; VOSTU, LTD., a
26 Cayman Islands Corporation; and DOES 1-5,
27 Defendants.

E-filing

CASE NO. **CV 11 295 9**

COMPLAINT FOR:

FEDERAL COPYRIGHT INFRINGEMENT
(17 U.S.C. §§ 501, et seq.)

DEMAND FOR JURY TRIAL

MEJ

1 Plaintiff Zynga Inc. (“Zynga” or “Plaintiff”) brings this Complaint against defendants Vostu
2 USA, Inc., Vostu LLC, Vostu, LLC, Vostu, Ltd. and Does 1-5 (“Defendants”) for injunctive relief
3 and damages under the laws of the United States.

4 **SUMMARY OF THE CASE**

5 1. This case is about Vostu’s improper efforts to profit from the work of Zynga and its
6 employees through blatant copyright infringement.

7 2. Plaintiff Zynga is the creator of the world’s most successful social games – CityVille
8 and FarmVille – on Facebook. Zynga consistently has six to eight of the top ten most popular
9 applications on Facebook and has been recognized with numerous industry awards.

10 3. Defendant Vostu’s business model is simple: copy Zynga’s successful games. The
11 extent of Vostu’s copying has resulted in Vostu being called the “Zynga of Brazil.” While
12 imitation may be the sincerest form of flattery, the copying of valuable intellectual property rights is
13 theft.

14 4. Vostu has brazenly appropriated the copyright-protected aspects of Zynga’s games
15 (as well as almost every other aspect of Zynga’s business) – with scant effort to mask their strategy
16 – and then offered games virtually identical to Zynga’s games to prospective players in the United
17 States and elsewhere. Vostu’s scheme has been “highly profitable” and has generated revenue “in
18 the high double-digit millions of dollars.” According to one of Vostu’s founders, of the \$50 million
19 it has received in venture funding, Vostu has “mostly spent it to date on marketing [its] products
20 and just growing [its] user base”– not development.

21 5. Even just briefly playing Zynga and Vostu’s respective games demonstrates the
22 extreme level of copying by Vostu. Attached as **Exhibit 1** is a DVD containing short video clips
23 that are true and correct copies of Zynga and Vostu comparative gameplay.

24 6. Vostu’s illegal practices have harmed and continue to harm Zynga irreparably, for
25 which Zynga seeks relief from this Court.

26 **PARTIES**

27 7. Plaintiff Zynga is a corporation organized and existing under the laws of the State of
28 Delaware and has its principal place of business in San Francisco, California.

1 8. On information and belief, defendant Vostu USA, Inc. is a corporation organized
2 and existing under the laws of the State of Delaware.

3 9. On information and belief, defendant Vostu LLC is a limited liability company
4 organized and existing under the laws of the State of Delaware.

5 10. On information and belief, defendant Vostu, LLC is a limited liability company
6 organized and existing under the laws of the State of Delaware.

7 11. On information and belief, defendant Vostu, Ltd. is an exempted company formed
8 under the laws of the Cayman Islands, with its primary offices in New York, New York.

9 12. On information and belief, defendants Vostu USA, Inc., Vostu LLC, Vostu, LLC
10 and Vostu, Ltd. maintain principal offices in New York, New York, as well as offices in Sao Paulo,
11 Brazil and Buenos Aires, Argentina.

12 13. Defendants Vostu USA, Inc., Vostu LLC, Vostu, LLC, and Vostu, Ltd. are
13 hereinafter collectively referred to as "Vostu."

14 14. Zynga is currently unaware of the identities of defendants Does 1-5 and therefore
15 sues such defendants by such fictitious pseudonyms. Zynga is informed and believes that discovery
16 will reveal the true identities of these defendants. Zynga will amend this Complaint to identify
17 these defendants by name after their identities are discovered.

18 15. On information and belief, the actions alleged herein to have been undertaken by
19 Defendants, were undertaken by each Defendant individually, were actions that each Defendant
20 caused to occur, were actions that each Defendant authorized, controlled, directed, or had the ability
21 to authorize, control or direct, and/or were actions in which each Defendant assisted, participated or
22 otherwise encouraged, and are actions for which each Defendant is liable. Each Defendant aided
23 and abetted the actions of the Defendants set forth below, in that each Defendant had knowledge of
24 those actions, provided assistance and benefitted from those actions, in whole or in part. Each of
25 the Defendants was the agent of each of the remaining Defendants, and in doing the things
26 hereinafter alleged, was acting within the course and scope of such agency and with the permission
27 and consent of each and every one of the other Defendants.

28 ///

JURISDICTION AND VENUE

16. This action arises under the copyright laws of the United States, 17 U.S.C. § 501, *et seq.* This Court has jurisdiction over the federal causes of action pursuant to 17 U.S.C. § 501, 28 U.S.C. §§ 1331 and 1338.

17. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2).

18. This Court has personal jurisdiction over Defendants, who have directed tortious acts at Zynga in this District, and have committed tortious acts that they knew or should have known would cause injury to Zynga in this District.

19. Defendants' contacts with this District are numerous and substantial. Upon information and belief, Defendants target Portuguese-speaking users throughout the United States and abroad, including users in this District. Upon information and belief, users in this District accessed Defendants' games, MegaCity, Café Mania, Pet Mania, Vostu Poker and MiniFazenda (collectively, the "Infringing Works"). Upon information and belief, the Infringing Works were also downloaded and installed by users in this District. Attached hereto as **Exhibit 2** are true and correct screenshots of users in this District that who have downloaded and installed one or more of Vostu's Infringing Works.

20. Upon information and belief, the Infringing Works are not passive websites, but are interactive games available on interactive websites and social gaming platforms, which allow users to create user accounts, purchase virtual items, and interact and chat with users' friends. Upon information and belief, copies of Vostu's Infringing Works are stored on and/or accessed on servers that are located in the United States and in this District.

21. Upon information and belief, Defendants' domain name Vostu.com is registered through United States-based registrar GoDaddy.com, and is hosted with United States-based company Amazon.com, on an IP address which is located in this District. Attached hereto as **Exhibit 3** are true and correct copies of printouts of websites showing this information.

22. In addition, Vostu advises players that it "stores information about its users on servers located in the United States." Attached hereto as **Exhibit 4** is a true and correct copy of Vostu's Privacy Policy located at <http://www.vostu.com/en/privacy-policy/>.

1 23. Substantial portions of Vostu's website at www.vostu.com are in English.

2 24. Upon information and belief, Defendants market their Infringing Works through
3 numerous businesses located and headquartered in this District. For example, upon information and
4 belief, Defendants maintain Facebook applications and/or fan pages for each of their games.
5 Facebook is located and headquartered in this District. Attached hereto as **Exhibit 5** are true and
6 correct copies of screenshots of Defendants' Facebook pages for each of their games. Upon
7 information and belief, Defendants also advertise themselves and their games through the
8 Twitter.com business, which is also located and headquartered in this District. Upon information
9 and belief, Defendants and/or their officers advertise Defendants and their games through the
10 YouTube.com business, which is also located and headquartered in this District.

11 25. Upon information and belief, Defendants allow users of their games to make
12 payments through PayPal, Inc., which is a business that is also located and headquartered in this
13 District.

14 26. Upon information and belief, players can purchase items in Vostu games using US
15 Dollars using American Express and Discover credit cards.

16 27. Upon information and belief, Defendants have consented in their contracts with
17 Facebook, Twitter, YouTube and PayPal to litigate all disputes arising from such contracts in this
18 District. Moreover, upon information and belief, at least one of the officers and/or founders of
19 Defendants travel to this District on an almost weekly basis to meet with Defendants' prospective
20 and current investors located in this District, which current investors are among Defendants' largest
21 investors. Attached hereto as **Exhibits 6** and **7** are true and correct printouts of articles providing
22 this information. In fact, upon information and belief, Defendants' only publicly identified board
23 member resides in this District and is an employee of Defendants' investor, located in this District.
24 Attached hereto as **Exhibit 8** are true and correct copies of printouts of articles detailing this
25 information.

26 28. Upon information and belief, Defendants conduct business operations within this
27 District. For example, upon information and belief, Defendants' "Head of Mobile" and "General
28 Counsel and Vice President of Business Operations" reside and conduct business for Defendants in

1 this District. Attached hereto as **Exhibit 9** are true and correct copies of printouts from
 2 LinkedIn.com providing this information.

3 **INTRADISTRICT ASSIGNMENT**

4 29. This being an Intellectual Property Action, the Court's Assignment Plan provides for
 5 assignment of this Action on a district-wide basis. To the extent this Action may be deemed to
 6 have arisen in a particular county within this District, that county is San Francisco County on the
 7 grounds that a substantial part of the events or omissions which give rise to Zynga's claims
 8 occurred in San Francisco County, where Zynga is located.

9 **FACTUAL ALLEGATIONS**

10 **Zynga Is the Creator of the World's Popular Social Networking Games**

11 30. Zynga is the world's largest social gaming company. Zynga's games are available
 12 on social networking platforms, such as Facebook, as well as on mobile platforms such as the
 13 iPhone and iPad. Zynga's games are social in nature because players can use Facebook to invite
 14 their friends to join them in playing Zynga's games online. For example, in the Zynga Poker game,
 15 users invite Facebook friends to join them at a virtual "poker table" to play for virtual currency and
 16 chat with friends in the game while playing. Zynga provides this interaction among friends in a
 17 variety of online games, including card games, role-playing games and virtual world games.

18 31. Zynga was founded in 2007, after Facebook permitted the development of
 19 applications for its platform. Zynga recognized the potential for social games.

20 32. Zynga launched various games in 2007, and since then has continued to bring new
 21 games to market with great success. Zynga's game titles include, but are not limited to, CityVille,
 22 Café World, FarmVille, PetVille, and Zynga Poker (collectively, the "Games"). By July 2008,
 23 Zynga had over 20 million registered users for its games, and as of January 1, 2009, Zynga had over
 24 75 million registered users. Today, Zynga has over 200 million unique users playing its games.

25 33. Zynga is headquartered in San Francisco, and has grown rapidly to over 2200
 26 employees.

27 ///

28 ///

**Vostu Was Founded Originally as a Social Networking Platform
and Only Later Migrated to Social Gaming After Zynga Had Demonstrated Its Promise**

34. Upon information and belief, Vostu was founded in 2007, by three Harvard students as a social networking platform (like Facebook or MySpace) for Latin America.

35. Upon information and belief, Vostu originally launched its headquarters in Miami in 2008, but later moved its headquarters to New York City in 2010. Upon information and belief, Vostu maintains offices in New York, New York, Sao Paulo, Brazil and Buenos Aires, Argentina. Attached hereto as **Exhibits 10** and **11** are true and correct copies of printouts from the Securities Exchange Commission website, Delaware and New York State websites and from LinkedIn.com identifying these locations.

36. Upon information and belief, after Zynga had proven the potential for success in the area of social gaming, Vostu migrated away from social networking to social games with the launch of a soccer game on its own platform in or about June 2009, and then on Google's social networking platform in Brazil, Orkut, in or about October 2009.

Vostu Set Its Sights on Zynga's Social Gaming Success Through a Scheme of Copying

37. After the launch of its highly popular game Farmville in June 2009, Zynga was recognized as a leader in the area of social gaming.

38. Upon information and belief, Defendants recognized Zynga's success and developed a scheme by which they would copy Zynga's specific business model and product strategy, including accessing, copying and using Zynga's copyrights in its games to create near-identical games and holding them out as Vostu games.

///

///

///

///

///

///

///

1 39. In addition to the copying of Zynga's games discussed below, it appears that Vostu
2 has studied meticulously and copied the material details of Zynga's business.

3 40. Vostu's stated mission consists of identical and synonymous words mirroring
4 Zynga's stated mission:

5 **Zynga: "connecting the world through games"**

6 *Vostu: "to bring you closer to the people around you through games"*

7 41. Vostu's descriptions of employment benefits on its website line up with those on
8 Zynga's website:

9 **"Zynga workers are a well-fed bunch"**

10 *"the Vostu team is very much well-fed"*

11 **"Zynga staffers not only work hard, they play hard"**

12 *Vostu: "Work hard, play hard"*

13 **"At Zynga, you will find smart, creative people who are passionate
14 about taking on new challenges"**

15 *"At Vostu you will also find fun, creative, and really smart people
16 constantly seeking new challenges"*

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

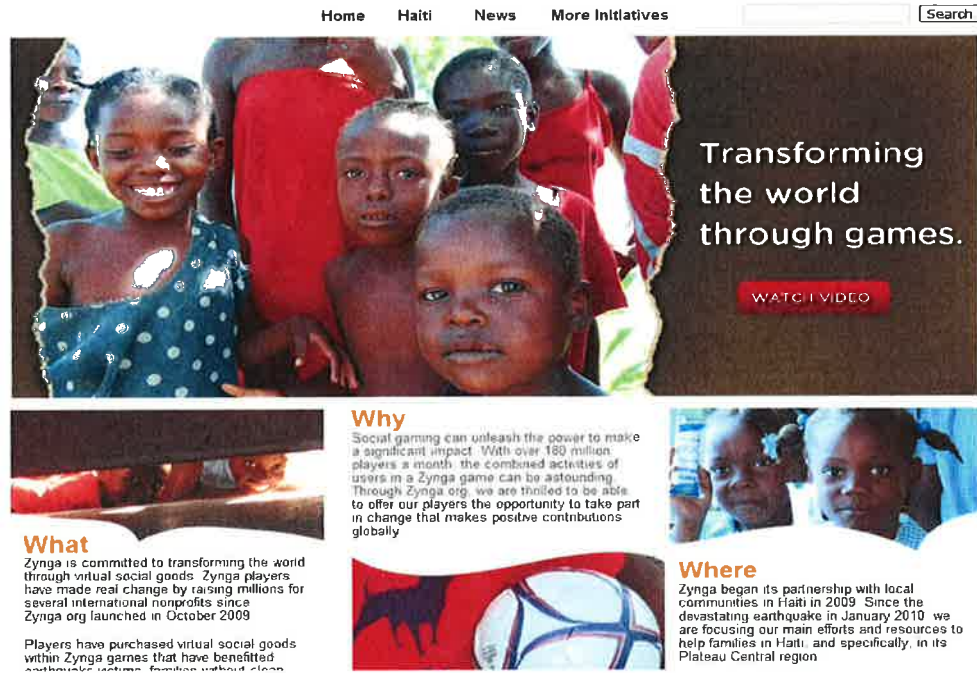
25 ///

26 ///

27 ///

28 ///

42. Zynga created a philanthropic arm that enables players to help raise money benefitting international relief efforts through their game play, and launched a website dedicated to it at www.zynga.org:



43. Vostu similarly created a philanthropic arm that enables players to help raise money benefitting international relief efforts through their game play, and launched a website dedicated to it at www.vostu.org using a similar layout and language:



44. Vostu used the same image as Zynga in its philanthropic campaign – a seedling growing from a hand:

Zynga:



Vostu:



45. Vostu even changed its logo from its original blue to red – the color of Zynga’s logo:



46. In fact, upon information and belief, based on the vast “similarities” between Vostu’s business and Zynga’s business, Vostu has come to be known as “the Zynga of Brazil” or “Brazil’s answer to Zynga”. Attached hereto as **Exhibit 12** are true and correct copies of printouts of press articles identifying Defendants as “the Zynga of Brazil” or “Brazil’s answer to Zynga”.

Zynga’s Games Are the Subject of Copyright Protection

47. Zynga games are creative works that include artwork, game mechanics and features, and other tangible aspects. Each game reflects the efforts of scores of creative individuals dedicated to game development in each of Zynga’s game studios.

48. Zynga’s games are available in English language versions, and many are also available to users in numerous other languages, including Portuguese.

49. Zynga’s games are subject to copyright protection, and Zynga has taken efforts to register its copyrights.

1 50. Zynga's CityVille is a virtual world game that allows users to grow crops, store
 2 goods, build businesses, collect rent, and become the mayor of their very own city. CityVille is the
 3 subject of registration TX0007348500 in the United States Copyright Office. Attached hereto as
 4 **Exhibit 13** is a true and correct record reflecting this registration.

5 51. Zynga's Café World is a virtual world game that allows users to choose from dozens
 6 of dishes to cook, and then slice, chop, sauté and bake their way to the top of the culinary world.
 7 Café World is the subject of registration TX0007330782 in the United States Copyright Office.
 8 Attached hereto as **Exhibit 14** is a true and correct record reflecting this registration.

9 52. Zynga's FarmVille is a virtual world game that allows users to virtually farm with
 10 their friends by planting crops and raising farm animals. FarmVille is the subject of registrations
 11 TXu001610517 and TX0006960171 in the United States Copyright Office. Attached hereto as
 12 **Exhibit 15** are true and correct records reflecting these registrations.

13 53. Zynga's PetVille is a virtual world game that allows users to raise a pet, dress it in
 14 style, and play with their friends' pets. PetVille is the subject of registrations TX0007233357 and
 15 TXu001685176 in the United States Copyright Office. Attached hereto as **Exhibit 16** are true and
 16 correct records reflecting these registrations.

17 54. Zynga Poker is a computerized version of the world-famous Texas Hold'Em poker
 18 game that allows users to play for virtual currency at a Zynga poker table with their friends. Zynga
 19 Poker is the subject of registrations TXu001611885 and VA0001649268 in the United States
 20 Copyright Office. Attached hereto as **Exhibit 17** are true and correct records reflecting these
 21 registrations.

22 55. Zynga is the owner of the Games, including without limitation the copyrights therein
 23 (collectively, "Zynga's Copyrighted Works").

24 **Vostu's Copying of Zynga's Copyrighted Works**

25 56. Upon information and belief, Defendants access Zynga's games and translate them
 26 into Portuguese-language versions with minor alterations, and then make them available to
 27 Portuguese-speaking consumers in Brazil and around the world.

28 ///

57. Starting in or around January 2010, Vostu's game offerings have tracked Zynga's most popular games and each time have been released after Zynga's game (release dates on information and belief):

zynga®		vostu®	
Game	Launch Date	Game	Launch Date
	June 2009	 (Mini Farm)	January 2010
	May 2009		April 2010
	December 2009		April 2010
	September 2009		May 2010
	December 2010		April 2011

58. Vostu's games which copy Zynga's Copyrighted Works are not merely similarly themed games about cities, farming, cafes, pets and poker. Rather, Vostu's games duplicate and incorporate the unique creative expressions of Zynga's Games.

///

///

59. For example, after Zynga launched its CityVille game on Facebook, including in a Portuguese-language version, Vostu launched a game titled “MegaCity”. Like Zynga’s CityVille game, MegaCity is a computer game available through social networking websites and applications, including Facebook, that also allows users to build and manage the city of their dreams with the help of their friends.

Zynga’s CityVille:



Vostu’s MegaCity:



60. More specifically, Vostu's MegaCity game replicates Zynga's CityVille not just in the same storyline of creating an online city, but with the same buildings, land plots, street arrangements, decorations, mechanics, buttons, game board layout, color scheme and information arrangement.

Zynga's CityVille:



Vostu's MegaCity:



61. Vostu's MegaCity game further copies and reproduces CityVille's status bar, including the color scheme, icon design and icon arrangement of (1) the "coin" icon, (2) the "cash" icon, (3) the "energy" icon, (4) the "goods" icon and (5) the "level" icon.

Zynga's CityVille:



Vostu's MegaCity:



62. Further, Vostu's MegaCity game copies and reproduces the same menu bar icons in the same order and arrangement as CityVille, including the exact arrangement of (1) the "move" icon, (2) the "rotate" icon, (3) the "remove" icon, (4) the "tools" icon, and (5) the "build" icon.

Zynga's CityVille:



Vostu's MegaCity:



63. Similarly, Vostu's MegaCity game copies and reproduces Zynga's CityVille's build menu, including reproducing the identical icons in the identical order of (1) the "new" icon, (2) the "housing" icon, (3) the "businesses" icon, (4) the "decorations" icon, (5) the "agriculture" icon, (6) the "shipping" icon, (7) the "community buildings" icon, (8) the "energy" icon and (9) the "expansion" icon.

Zynga's CityVille:



Vostu's MegaCity:



///

///

64. Vostu's copying of unique expressions from Zynga's CityVille occurs through game play in MegaCity, including with the Bonus Meter, Marketplace Bars, Decoration Bonuses and Collections, among many others.

Zynga's CityVille:



Vostu's MegaCity:



Zynga's CityVille:



Vostu's MegaCity:



Zynga's CityVille:



Vostu's MegaCity:



65. Defendants have similarly accessed, copied, incorporated and reproduced the unique creative expressions in Zynga's Café World, PetVille, Zynga Poker and FarmVille games within Vostu's similarly themed games, "Café Mania," "Pet Mania," "Vostu Poker" and "MiniFazenda."

66. For example, Vostu's Café Mania game copies and reproduces Café World's decoration and design, as well as its blocky-style characters, art assets, icons, furniture design, information arrangement and icon arrangement.

Zynga's Café World:



Vostu's Café Mania:



Zynga's Café World:**Vostu's Café Mania:**

67. Vostu's Pet Mania game copies, incorporates and reproduces PetVille's unique creative expressions, including the image and design of the pet home, feature arrangement, color scheme and icon design and arrangement, including the pink soap, broom and pet happiness icons.

Zynga's PetVille:**Vostu's Pet Mania:**

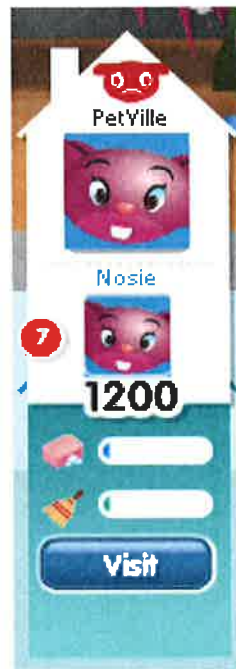
///

///

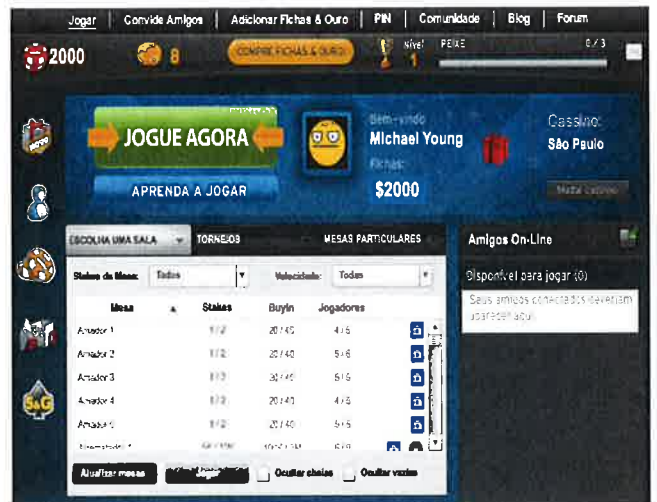
///

///

///

Zynga's PetVille:**Vostu's Pet Mania:**

68. Similarly, Defendants copy, reproduce and incorporate the unique information arrangement, icon design and arrangement, betting controls and arrangement, and toolbar from Zynga Poker into Vostu Poker.

Zynga Poker:**Vostu Poker:**

///

///

///

///

Zynga Poker:



Vostu Poker:



Zynga Poker:



Vostu Poker:



69. Upon information and belief, Defendants have intentionally misappropriated protected elements and/or source code relating to Zynga's Copyrighted Works for use in Defendants' Infringing Works, and Defendants' Infringing Works are substantially similar to Zynga's Copyrighted Works.

70. In fact, upon information and belief, members of the public and news organizations have recognized and commented on Vostu's "cloning" of Zynga's Games. Attached hereto as **Exhibit 18** is a true and correct copy of an English translation of an article describing the similarities between Zynga's CityVille game to Vostu's "clone," MegaCity.

71. Remarkably, Vostu's copying includes "mistakes" in Zynga's games. For example, in CityVille, the Zynga developers forgot to add the requirement that Community Buildings be connected to a road in order to function within the game – a requirement for all other buildings in

1 the game. The game was released without that requirement, and the bug was never fixed in
2 Zynga's game. Vostu's MegaCity replicates this "mistake."

3 **Vostu Makes Its Move Onto Facebook**

4 72. Upon information and belief, Vostu's games were initially available on the Google-
5 owned social networking website in Brazil named Orkut, as well as on Defendants' own social
6 gaming platform located at Vostu.com.

7 73. Zynga's primary platform to date has been Facebook.

8 74. Within the past few weeks, Vostu has expanded the reach of its games into Zynga's
9 core space by launching games, including MegaCity (Zynga's CityVille), MiniFazenda (Zynga's
10 FarmVille), Café Mania (Zynga's Café World) and Vostu Poker (Zynga Poker) on the Facebook
11 social networking platform.

12 75. Upon information and belief, Defendants intend to further expand by launching
13 additional titles on the Facebook platform.

14 76. Upon information and belief, players can play and are now playing Vostu's
15 Infringing Games in this District and throughout the United States.

16 **FIRST CAUSE OF ACTION**

17 **(Federal Copyright Infringement)**

18 **(17 U.S.C. § 501)**

19 77. Zynga repeats, realleges and incorporates each and every allegation of the foregoing
20 paragraphs, as though fully set forth in this cause of action.

21 78. At all relevant times, Zynga has owned all applicable rights, titles and interest in and
22 to Zynga's Copyrighted Works.

23 79. Zynga has complied in all respects with Title 17 of the United States Code, secured
24 the exclusive rights and privileges in and to the above referenced copyrights, and in compliance
25 with the law has received from the Register of Copyrights the appropriate certificates of
26 registration, which constitute prima facie evidence of the validity of the copyrights and of the facts
27 stated in the certificates.
28

80. Defendants have infringed and/or continue to infringe Zynga's Copyrighted Works by copying, using, and distributing Zynga's Copyrighted Works within Defendants' Infringing Works without the consent of Plaintiff and in complete disregard of Plaintiff's exclusive rights under copyright.

81. On information and belief, Defendants have acted with full knowledge of Plaintiff's rights under copyright without regard for the damage to Plaintiff caused by Defendants' activities.

82. Defendants' creation, reproduction and distribution of the Infringing Works have been and are without authorization and without Zynga's consent.

83. Defendants' actions demonstrate an intentional, willful, and malicious intent to infringe upon Plaintiff's copyrights resulting in the great and irreparable injury to Plaintiff.

84. Defendants have unlawfully and wrongfully derived, and/or will continue to derive, income and profits from their infringing acts.

85. Plaintiff has no adequate remedy at law. The conduct of Defendants has caused and, if not enjoined, will continue to cause irreparable damage to the rights of Plaintiff.

86. As a result of Defendants' wrongful conduct, Plaintiff is entitled to injunctive relief and damages in an amount to be proven at trial.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

A. That a preliminary injunction and permanent injunction be issued enjoining and restraining Defendants and their officers, directors, agents, employees, representatives and all persons or entities acting in concert or participation with Defendants, from:

- i. Using, displaying, exhibiting, reproducing, distributing, selling or offering for sale any product or service featuring any reproduction or copy of Zynga's Copyrighted Works, including but not limited to the Infringing Works; and
- ii. Effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth therein;

1 B. That Plaintiff be awarded damages for Defendants' copyright infringement based on:
2 (i) Defendants' profits derived from their unlawful infringement of Zynga's Copyrighted Works; or
3 (ii) statutory damages for each act of infringement in an amount provided by law, as set forth in 17
4 U.S.C. § 504, at Plaintiff's election before the entry of a final judgment, together with prejudgment
5 and post-judgment interest;

6 C. That Defendants account for and disgorge to Plaintiff profits realized by Defendants
7 by reason of Defendants' unlawful acts herein alleged and that those profits be increased as
8 provided by law;

9 D. That the Court award Plaintiff its costs of suit incurred herein, including its
10 attorneys' fees as provided by the Copyright Act;

11 E. That this Court retain jurisdiction of this action for the purpose of enabling Plaintiff
12 to apply to the Court at any time for such further orders and interpretation or execution of any order
13 entered in this action, for the modification of any such order, for the enforcement or compliance
14 therewith and for the punishment of any violations thereof;

15 F. That the Court grant Plaintiff such other and further relief as it deems just and
16 equitable to make Plaintiff whole for the damage caused by Defendants.

17 **PLAINTIFF ZYNGA HEREBY DEMANDS A TRIAL BY JURY.**
18

19
20 Dated: June 15, 2011

KEATS MCFARLAND & WILSON LLP

21
22 By: 

23 Dennis L. Wilson

24 Attorneys for Plaintiff
25 ZYNGA INC.
26
27
28

DEMAND FOR JURY TRIAL


Plaintiff Zynga Inc. hereby demands a trial by jury on all issues for which a jury trial may be had.

Dated: June 15, 2011

Respectfully submitted,

KEATS MCFARLAND & WILSON LLP

By: _____



Dennis L. Wilson

Attorneys for Plaintiff
ZYNGA INC.